

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – A.P. Civil Services (Executive Branch) Rules, 1992 – Deputy Collectors – Appointment / Transfer to Sri D.Suryanarayana, Section Officer, A.P. Secretariat, Hyderabad as Deputy Collector – Orders – Issued.

Revenue (Services.I/1) Department

G.O. Ms. No. 1207

Dated 20.10.2008.
Read the following :-

- (1) From the Hon'ble A.P. Administrative Tribunal Order dated 23.02.2006 in O.A. No. 1099/2006 filed by Sri D.Suryanarayana.
- (2) From the Chief Commissioner of Land Administration, AP Hyderabad Ref. No. D1/2252/2005 dated 18.10.2006.
- (3) Government Memo. No. 40619/Ser.I(1)/2005 dated 29.03.2007.
- (4) Government Memo. No. 40619/Ser.I(1)/2005 dated 07.07.2007.
- (5) Representation dated 09.08.2008 received from Sri D.Suryanarayana Section Officer, I & CAD Department.
- (6) Hon'ble Administrative Tribunal dated 30.09.2008 in C.A. No. 641 of 2008 in O.A. No. 3649/2008.

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ORDER :-

Government in Memo. No. 140136/SU-I/2004-3 dated 8.11.2004 furnished the seniority list of Section Officers who have given their willingness for appointment to the post of Deputy Collector for the Panel Year 2004-2005. The Departmental Promotion Committee headed by Chief Commissioner of Land Administration met on 9.11.2004 to consider the cases of Section Officers for inclusion in the Adhoc Panel of Deputy Collectors for the year 2004-2005 recommended the names of Sri R.Prabhudas and Sri K.Mruthyunjaya Section Officers for inclusion in the Adhoc Panel of Deputy Collectors for the year 2004-2005.

2. Subsequently Government in Memo. No. 25700/SU.I/2005-1 dated 20.05.2005 informed the Chief Commissioner of Land Administration that as per provisional seniority of Assistant Section Officers, the name of Sri K.Mruthyunjaya is at Sl. No.234, whereas the name of Sri D.Suryanarayana, Section Officer is at Sl. No. 211. It was also informed that the seniority of Section Officers is to be decided after finalization of provisional seniority of Assistant Section Officers. As such, the Chief Commissioner of Land Administration has treated that Sri D.Suryanarayana, is senior to Sri K.Mruthyunjaya as per the provisional seniority of Assistant Section Officers irrespective of dates of joining as Section Officers. Accordingly, the Chief Commissioner of Land Administration the Departmental Promotion Committee considered the case of Sri D.Suryanarayana Section Officer for inclusion in the Adhoc Panel of Deputy Collectors for the year 2004-2005.

3. Taking into consideration of the above analogy and instructions of the Government, the Chief Commissioner of Land Administration informed that the name of Sri D.Suryanarayana has been considered for inclusion in 2004-2005 adhoc Deputy Collector Panel at Sl. No. 20 in place of Sri R.Prabhudas Section Officer whose name was deferred for want of finalization of disciplinary case and at that time he was facing punishment. While informing the above, the Chief Commissioner of Land Administration has requested to relax the Rule 7 of A.P. Civil Services (Executive Branch) Rules, 1992 since Sri D.Suryanarayana has not completed the requisite period of three years minimum service in the Section Officer cadre as on 01.09.2004 to make him eligible for inclusion in the adhoc panel of 2004-2005.

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4. In the Memo. third read above Government have rejected the proposal of Chief Commissioner of Land Administration, AP Hyderabad for inclusion of names of Sri D.Suryanarayana and Sri S.Badhrinath Rao in the panels of 2004-2005 and 2005-2006 respectively since Government have decided not to relax the Rule 7 of A.P. Civil Services (Executive Branch) Rules, 1992.

5. Sri D.Suryanarayana Section Officer has filed O.A. No. 3649/2008 before the A.P. Administrative Tribunal for appointment as Deputy Collector and the Hon'ble Tribunal in its Interim Order dated 02.05.2008 directed to consider the case of the applicant for promotion as Deputy Collector as per the seniority list published in G.O. Ms. No. 201, General Administration (SU) Department dated 10.04.2008 on par with his juniors, if any of the juniors are continuing in the same post.

6. In G.O. Ms. No. 201, G. A (SU) Department, dated 10.04.2008 final seniority list of Assistant Section Officers from 1.09.1984 to 18.03.1998 has been published wherein Sri D.Suryanarayana Section Officer figures at Sl. No.222 and Sri K.Mruthyunjaya on par with whom Sri D.Suryanarayana is claiming promotion figures at Sl.No. 245 in the said seniority list. On the strength of the said orders and the seniority list Sri D.Suryanarayana filed O.A. No. 3649 of 2008 and the Interim Orders dated: 2.5.2008 has been passed by the Tribunal.

7. Whereas, the General Rule 33(c) reads that "*Whenever notional date of promotion is assigned, such date of notional promotion shall be taken into consideration for computing the qualifying length of service in the feeder category for promotion to the next higher category and that the notional service shall be counted for the purpose of declaration of probation also in the feeder category*".

8. In accordance with the General Rule 33(c) as extracted above and the final seniority list of Assistant Section Officers from 1.09.1984 to 18.03.1998 published in G.O. Ms. No. 201, G. A (SU) Department, dated 10.04.2008, it has been felt that no relaxation of minimum service of (3) years in the category of Section Officer and age of 56 years which was called in respect of Sri D.Suryanarayana. It has also been observed that the DPC has already considered the case of Sri D.Suryanarayana S.O. for inclusion in the adhoc panel of Deputy Collectors for the year 2004-2005 on par with his Junior Sri K.Mruthyanjaya and his name was not deleted from the said panel Year.

9. Government after careful examination of the matter and keeping in view the above observations, hereby notify the following appointment / promotion and posting in respect of Sri D.Suryanarayana Section Officer I & CAD Department, A.P. Secretariat, Hyderabad.

NOTIFICATION

Under Rule 10(a) of Andhra Pradesh State and Subordinate Service Rules, Sri D.Suryanarayana, Section Officer, I & CAD Department, A.P. Secretariat, Hyderabad is appointed to the cadre of Deputy Collector (Category-II) of Andhra Pradesh Civil Services (Executive Branch) Rules, 1992 on purely adhoc basis.

10. The appointment by promotion / transfer ordered above is subject to the following conditions: -

- (i) the appointment is purely temporary under emergency provisions and does not confer any right of any kind on the individual who is liable to be reverted at any time without prior notice and without assigning any reasons thereof and the excess amount drawn, if any, in this category will be recovered.

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- (ii) the officer shall not be regarded as a Probationer or be entitled by reason only of such appointment to any preferential claim for future appointment to such service, class or category.
- (iii) the officer appointed under sub-rule (a) shall, whether or not he possesses the qualification prescribed for the service, class or category to which he is appointed, be replaced as soon as possible by the member of the service, who is entitled to the appointment under the rules.
- (iv) the appointment is subject to the review and reconsideration and approval of regular panels of Deputy Collectors in consultation with A.P. Public Service Commission as required under the rules regarding the suitability for inclusion in the panel according to rules and also subject to orders in the O.A.s / W.Ps pending, if any, before the A.P. Administrative Tribunal / High Court of Andhra Pradesh in general and the result of the C.A No. 5254 of 2002 and the C.As 5255-5259/2002 pending before the Supreme Court of India in particular including the O.A. No. 1099/2006 and C.A. No. 641 of 2008 in O.A. No. 3649/2008.
- (v) the appointment is subject to revision of seniority of the Officer.
- (vi) the appointment is also subject to joining of the Officer in the promoted post within the stipulated time of 15 (fifteen) days from the date of receipt of the order of appointment and promotion as specified in rule 11(b) of A.P. State and Subordinate Service Rules, 1996, failing which he would forfeit the right of promotion to the cadre of Deputy Collector.

11. On appointment by transfer as Deputy Collector, the services of Sri D.Suryanarayana are placed at the disposal of the Special Chief Secretary and Chief Commissioner of Land Administration, A.P. Hyderabad for allotment of the district for undergoing of (2) years of Tahsildar training.

12. The Irrigation & CAD Department should relieve the above officer, immediately by making internal arrangements to enable the Officer to join as Deputy Collector at new station.

13. The above officer should report before the Special Chief Secretary and Chief Commissioner of Land Administration, Hyderabad for further postings.

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14. The date of relief and joining of the Officer may be intimated to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.Samuel

Principal Secretary to Government

To

Sri D.Suryanarayana

SO I & CAD Dept.

The Chief Commissioner of Land Administration

AP Hyderabad.

The GA (SU.I) Dept.

The I & CAD Dept.

The Dy. Pay & Accounts Officer, Secretariat, Hyderabad

The Accountant General, AP Hyderabad.

Copy to:

The GP for Rev (S)

AP AT Hyd.

The PS to M (Rev)

The Rev. (Vig.III) Dept.

SF / SC

// Forwarded :: By Order //

SECTION OFFICER